REMARKS

Favorable reconsideration and allowance of the present application are requested in view of the following remarks. Claims 1-20 are pending.

§ 103 REJECTION – FISCHER, SERRET-AVILA

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fischer (European Patent Application No. 0586022 A1) in view of Serret-Avila et al., (U.S. Patent No. 6,785,815). Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of the cited references do not teach or suggest all recited features of the claimed invention. The "representation having a structure" referred to by the Examiner in item 5 of the Office Action appears to refer to the "signature definition field 308" as indicated in Figures 10 and 12 of Fischer. This is merely a list structure indicating a hash

of a plurality of associated but distinct objects as described in page 18, lines 48-51 of Fischer. The objects are encrypted with the signer's private key as a whole (see Fig. 10, 322) and are not encrypted individually.

Clearly, there is no structure, such as a tree structure, ascribed to the list of objects. Therefore, Fischer cannot be relied upon to teach or suggest the feature of "analyzing a target document stored in a format representing a tree structure to generate the tree structure of the target document structure in a memory" as recited in claim 1.

It logically follows that Fischer cannot teach or suggest the feature of "generating a file signature code by encrypting said document as a whole and generating electronic signatures corresponding to each structural element of said generated tree structure by encrypting said each structural element."

The Examiner did not allege that the above-noted deficiencies can be cured by Serret-Avila.

Further, the Examiner agrees that Fischer cannot teach or suggest the feature of "concatenating the generated file signature code and the electronic signatures generated from each of said structural element of said tree structure into a single signature corresponding to the tree structure."

Serret-Avila cannot cure this deficiency of Fischer. The Examiner alleges that the data signal 300 as disclosed in Serret-Avila is partitioned into a

sequence of data blocks 304 and that each data block 304 has its own signature.

It is noted that the data blocks 304 are merely partitioned data of the original data signal 300. Serret-Avila ascribes no structure whatsoever other than that the blocks are parts of the data signal. Therefore, Serret-Avila cannot teach or suggest the feature of concatenating the generated file signature code and the electronic signatures generated from each of said structural element of said tree structure into a single signature corresponding to the tree structure as indicated in claim 1.

For at least the above stated reasons, independent claim 1 is distinguishable over the combination of Fischer and Serret-Avila.

Independent claim 5 recites, in part "means for analyzing a target document stored in a format representing a tree structure to generate the tree structure of the target document structure in a memory", "means for generating a file signature code by encrypting said document as a whole", "means for generating electronic signatures corresponding to each structural element of said generated tree structure by encrypting said each structural element", and "means for concatenating the generated file signature code and the electronic signatures generated from each of said structural element of said tree structure into a single signature corresponding to the tree structure."

Clearly, claim 5 is distinguishable over the combination of Fischer and Serret-Avila.

Independent claim 10 recites, in part "means for analyzing a target document stored in a format representing a tree structure to generate the tree structure of the target document in a memory", "means for generating a file signature code by encrypting said document as a whole", "means for generating electronic signatures corresponding to each structural element of said generated tree structure by encrypting said each structural element", and "means for concatenating the generated file signature code and the electronic signatures generated from each of said structural element of said tree structure into a single signature corresponding to the tree structure." Again, it is clear that claim 10 is distinguishable over the combination of Fischer and Serret-Avila.

Claims 2-4, 6-9 and 11-20 depend from independent claims 1 or 5 directly or indirectly. Therefore, for at least the reasons stated with respect to independent claims 1 and 5, these dependent claims are also distinguishable over the combination of Fischer and Serret-Avila.

The dependent claims are also distinguishable on their own merit. For example, Fischer and Serret-Avila do not teach or suggest the feature of "setting a depth code designating a level of the tree structure said electronic

signature is to be generated, whereby precision of reliability judgment of a document with an electronic signature can be varied depending on the level" as recited in claims 2 and 6.

Regarding claims 3, 9, 11, 19 and 20, the Examiner alleged that page 20, lines 20-36 of Fischer teaches the features as recited in the claims. However, the correspondence between the claims and the teachings of Fischer was not provided. Indeed, Applicants respectfully submit that no such correspondence can be found.

For at least the reasons stated above, Applicants respectfully request that the rejection of claims 1-20 based on Fischer and Serret-Avila be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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